

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

IN RE BEXTRA AND CELEBREX
MARKETING SALES PRACTICES AND
PRODUCT LIABILITY LITIGATION

Magistrate Judge Michael T. Mason

Civil Case No.: 08 C 402

Related Case Number M:05-cv-01699-CRB
MDL No. 1699
Pending in the Northern District of California,
San Francisco Division

PFIZER INC.'S MOTION FOR EXPEDITED BRIEFING SCHEDULE

Now comes Pfizer Inc. ("Pfizer"), by and through its attorneys Winston & Strawn LLP, and moves this Court for an expedited briefing schedule for its Motion to Compel Production of Documents From Non-Parties the American Medical Association, the Journal of the American Medical Association, and the Archives of Internal Medicine (collectively the "AMA") in the above-captioned matter, and in support thereof states as follows:

1. On January 17, 2008, Pfizer filed a motion seeking to compel the AMA to produce documents in response to subpoenas seeking material relevant to multi-district litigation concerning Bextra® and Celebrex®, pending in the Northern District of California (the "MDL").

2. Pfizer's deadline to submit its exhibit list in the MDL is March 24, 2008. Similarly, its deadline for expert depositions is March 18, 2008. Sufficient time must be allowed so that if Pfizer's motion is granted, Pfizer can receive responsive documents from the AMA, review them and perform authentication depositions before the date that it must submit its exhibit list. Accordingly, fairness requires an expedited resolution to this dispute so that Pfizer can make full use of the material that it is entitled to under the law.

3. To this end, Pfizer respectfully requests a briefing schedule in which the AMA's response is due on February 8, 2008 and Pfizer's reply is due on February 15, 2008. This briefing schedule would give the AMA a total of just over three weeks to respond from the date that Pfizer filed its motion on January 17, 2008 to respond.

4. Pfizer notes that it served its subpoenas on the AMA nearly eight months ago on or about May 7, 2007. During that time, it diligently sought to resolve the dispute which centers on whether the material sought by Pfizer is covered by, *inter alia*, the reporter's privilege. On January 11, 2007, the AMA withdrew from a tentative agreement to produce the material sought by the subpoenas with the names of the peer reviewers redacted, precipitating the present motion. Simply, Pfizer should not be penalized for its good faith attempts to resolve this matter out of court, and it should receive the documents it is entitled to under the law in sufficient time that it may fully make use of them.

5. The issues involved in the motion to compel are simple and discrete, as they concern only the applicability of certain claimed privileges to the material sought by Pfizer.

6. Finally, counsel for Pfizer and the AMA conferred in an attempt to resolve the matter of the briefing schedule on February 1, 2008 but were unable to reach a resolution.

WHEREFORE, Pfizer respectfully requests that this Court enter a briefing schedule in which the AMA's response brief is due on February 8, 2008 and Pfizer's reply brief is due on February 15, 2008.

Dated: February 1, 2008

Respectfully submitted,

PFIZER INC.

/s/Matthew J. Sullivan
By: Matthew J. Sullivan

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CERTIFICATE OF SERVICE

I, Matthew J. Sullivan, attorney for Pfizer Inc. hereby certify that I have caused a copy of the foregoing to be served on the following counsel by facsimile and U.S. Mail:

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on this February 1, 2008.

/s/ Matthew J. Sullivan

Matthew J. Sullivan